


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

FEB 14 2007


CLERK

UNITED STATES OF AMERICA, *

CR 06-40129

Plaintiff, *

vs. *

ORDER

ARTEMIO NORBERTO REYES-SOLANO, *

a/k/a Lucio Patricio Reyes-Solano, *

Defendant. *

Counsel for the Defendant has filed a First Motion to Continue, Doc. 24, requesting the deadline for filing motions, the motion hearing, plea deadline, and trial date be continued for a period of sixty (60) days, and the Government does not object to a continuance, and after consideration of the file in this matter, the Court finds that failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and the fact that new counsel was just appointed on February 1, 2007, and further that failure to grant the continuance would deny the public interest in bringing this case to trial in an orderly fashion. Further, the Court finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the Defendant in a speedy trial. For all of those reasons as well as those set forth in the Motion,

IT IS ORDERED:

1. That the Defendant's Motion for Delay, Doc. 24, is granted in part and denied in part.
2. That all other motions as to Defendant be filed and served on or before April 2, 2007; that opposing counsel respond thereto on or before April 9, 2007; and that a hearing thereon will be held before The Honorable John E. Simko, in Sioux Falls, South Dakota, on Monday, April 16, 2007, at 9:30 A.M.; and the Court will not consider a stock motion for leave to file

further motions, however, the Court will consider a motion filed by a party after the deadline if the party can show good cause as to why the motion was late filed.

3. That April 18, 2007, is hereby set as the deadline for submission to the Court of any proposed plea agreement by Defendant.
4. That all motions in limine shall be in writing and filed, together with proposed instructions, with the Court ten (10) working days before trial.
5. That the jury trial herein shall commence in Sioux Falls, South Dakota, on Tuesday, May 15, 2007, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.
6. That the period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense for the Defendant must commence, as the Court finds that the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

Dated this 14th day of February, 2007.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: Shelly Margulies
DEPUTY